

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**DAVID SERNA**

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**CRIM ACTION 6:13-CR-26**

**AMENDED ORDER ADOPTING THE REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The above-styled matter was referred to the Honorable K. Nicole Mitchell, United States Magistrate Judge, for administration of a guilty plea under Rule 11 of the Federal Rules of Criminal Procedure. Judge Mitchell conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and issued her Report and Recommendation. Judge Mitchell recommended that the Court accept Defendant's guilty plea and conditionally approve the plea agreement. She further recommended that the Court finally adjudge Defendant as guilty of Count 2 of the Indictment filed in this cause.

In open court at the plea hearing on December 8, 2014, the parties waived their right to object to the magistrate judge's findings. The Court is of the opinion that the Report and Recommendation should be accepted. It is accordingly


**ORDERED** that the Report and Recommendation of the United States Magistrate Judge is **ADOPTED**. It is further

**ORDERED** that Defendant's guilty plea is accepted and approved by the Court. Further, the plea agreement is approved by the Court, conditioned upon a review of the presentence report. It is finally

**ORDERED** that, pursuant to Defendant's plea agreement, the Court finds Defendant **GUILTY** of **Count 2** of the Indictment in the above-numbered cause and enters a **JUDGMENT OF GUILTY** against the Defendant as to **Count 2** of the Indictment.

**It is SO ORDERED.**

**SIGNED this 12th day of December, 2014.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE